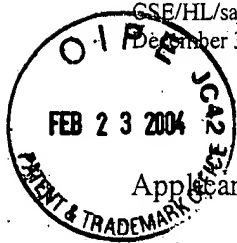


**COPY**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

George Treacy

Application No.: 09/942,075

Group Art Unit: 1641

Filed:

August 28, 2001

Examiner: Not Assigned

Title:

Anti-TNF $\alpha$  Antibodies in Therapy of Asthma

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on	12-3-01
Date	Signature
Sandra J. Arnold	
Typed or printed name of person signing certificate	

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**MAR 02 2004**

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
  - ☐ a Statement under 37 CFR 1.97(e), as checked below, or
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
  - ☐ a Statement under 37 CFR 1.97(e), as checked below, and
  - ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☒ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. 09/465,691, filed December 17, 1999, to which priority under 35 U.S.C. 120 is claimed. The earlier application contains copies of the cited references.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ the enclosed English language abstract.

☒ Applicant requests that the following non-published pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. 09/759,412, by George Treacy, filed January 12, 2001,  
Docket No.: 0148.1135-004

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_  
Examiner

\_\_\_\_  
Date

☒ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Helen Lee

Helen Lee

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Concord, Massachusetts 01742-9133

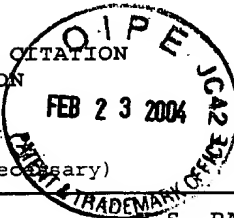
Dated: December 3, 2001

PTO-1449 REPRODUCED

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

December 3, 2001

(Use several sheets if necessary)

ATTORNEY DOCKET NO.  
0148.1135-010APPLICATION NO.  
09/942,075APPLICANT  
George Treacy**COPY**FILING DATE  
August 28, 2001

GROUP

## U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	AA	5,698,195	16 DEC 1997	Le et al.	424	133.1	
	AB	5,656,272	12 AUG 1997	Le et al.	424	133.1	
	AC	5,919,452	06 JUL 1999	Le et al.	424	133.1	
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

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## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	AL	WO 91 04054 A	4 APR 91	PCT			
	AM	DE 41 39 733 A	3 JUN 93	Germany (Abstract provided)			X
	AN	WO 92 08474 A	29 MAY 92	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	Renzetti, L.M., et al., "Pharmacological Evidence for Tumor Necrosis Factor as a Mediator of Allergic Inflammation in the Airways", <i>J. Pharmacol. Exper. Therapeutics</i> , 278(2):847-853 (1996)
AS	Lukacs, N.W., et al., "TNF- $\alpha$ Mediates Recruitment of Neutrophils and Eosinophils During Airway Inflammation", <i>J. Immunol.</i> , 154:5411-5417 (1995)
AT	Zuany-Amorim, C., et al., "Interleukin-10 Inhibits Antigen-induced Cellular Recruitment into the Airways of Sensitized Mice", <i>J. Clin. Invest.</i> , 95:2644-2651 (1995)

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED

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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
AO	WO 98 46642 A	22 OCT 98	PCT			
AP	WO 92 16553 A	01 OCT 92	PCT			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	Yu, C.-K., et al., "Dermatophagoides-farinae-Induced Pulmonary Eosinophilic Inflammation in Mice", <i>Int. Arch. Allergy Immunol.</i> , 112:73-82 (1997)					
AV	Konno, S.-I., et al., "Antiasthmatic Activity of a Macrolide Antibiotic, Roxithromycin: Analysis of Possible Mechanisms in vitro and in vivo", <i>Int. Arch. Allergy Immunol.</i> , 105:308-316 (1994)					
AW	Hessel, E.M., et al., "Development of Airway Hyperresponsiveness Is Dependent on Interferon- $\gamma$ and Independent of Eosinophil Infiltration", <i>Am. J. Respir. Cell Mol. Biol.</i> , 16:325-334 (1997)					
AX	Wershil, B.K., et al., "Recruitment of Neutrophils during IgE-dependent Cutaneous Late Phase Reactions in the Mouse Is Mast Cell-dependent", <i>J. Clin. Invest.</i> , 87:446-453 (1991)					
AY	Shah, A., et al., "Tumour necrosis factor alpha: a potential mediator of asthma", <i>Clin. Exper. Allergy</i> , 25:1038-1044 (1995)					
AZ	Ferreira, M.B. and Palma Carlos, A.G., "Cytokines and Asthma", <i>Invest. Allergol. Clin. Immunol.</i> , 8(3):141-148 (1998)					
AR2	Kips, J.C. and Pauwels, R.A., "Are Cytokines responsible for the asthmatic state of the airways?", <i>Monaldi Arch. Chest Dis.</i> , 51(3): 223-227 (1996)					
AS2	Kips, J.C., et al., "The potential role of tumour necrosis factor $\alpha$ in asthma", <i>Clin. Exper. Allergy</i> , 23:247-250 (1993)					

EXAMINER

DATE CONSIDERED

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 0148.1135-010		APPLICATION NO. 09/942,075			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION  December 3, 2004 (Use several sheets if necessary)		APPLICANT George Treacy					
		FILING DATE August 28, 2001		GROUP			
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	AT2	Zhang, S., et al., "Cell cultures from bronchial subepithelial myofibroblasts enhance eosinophil survival in vitro", <i>Eur. Respir. J.</i> , 9:1839-1846 (1996)					
	AU2	Ricci, M., et al., "New advances in the pathogenesis and therapy of bronchial asthma", <i>Ann. Ital. Med. Int.</i> , 13:93-100 (1998)					
	AV2	Thrall, R.S. et al., "Role of Tumor Necrosis Factor- $\alpha$ in the Spontaneous Development of Pulmonary Fibrosis in Viable Motheaten Mutant Mice," <i>Am. J. Pathol.</i> , 151(5):1303-1310 (1997).					
	AW2	Amrani, Y. and Bronner C., "Tumor necrosis factor alpha potentiates the increase in cytosolic free calcium induced by bradykinin in guinea-pig tracheal smooth muscle cells," <i>C. R. Acad. Sci. Paris, Sciences de La Vie/Life Sciences</i> , 316:1489-1494 (1993).					
EXAMINER				DATE CONSIDERED			